

Message Text

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TO AMEMBASSY COPENHAGEN

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FOLLOWING REPEAT SECSTATE 152467 ACTION ALL OECD CAPITALS
EC BRUSSELS BELGRADE BUCHAREST TUNISIA NICOSIA JERUSALEM
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MEXICO BUDAPEST INFO GENEVA OECD PARIS 15 JULY 1974. QUOTE:

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E.O. 11652: N?A

TAGS:ETRD

SUBJECT: WINE: PROPOSED REGULATORY CHANGES REGARDING METRIC
STANDARDS OF FILL

REFERENCES: STATE 095569, A-3805

1. PARTICIPATION BY COUNTRIES EXPORTING WINE
TO THE US IN THE JUNE 11 PUBLIC HEARING HELD BY THE BUREAU
OF ALCOHOL, TOBACCO AND FIREARMS (ATF) ON THE PROPOSED
NEW METRIC FILL STANDARDS FOR WINE WAS MINIMAL. ONLY
GERMANY AND A FEW COMMERCIAL FIRMS TESTIFIED ON BEHALF OF
EXPORT/IMPORT INTERESTS, ASKING ADDITIONS TO OR GREATER
TOLERANCES FOR THE PROPOSED LIST OF SIX PERMISSIBLE
FILL STANDARDS. GERMANY AS EXPECTED REQUESTED THE
ADDITION OF .70 LITER AND .35 LITER BOTTLES TO THE LIST.

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2. SUCH APPARENT LACK OF INTEREST BY FOREIGN

SUPPLIERS IS PERPLEXING SINCE WITH VERY FEW EXCEPTIONS BOTTLED WINE NOW BEING SHIPPED TO THE US WILL BE INADMISSIBLE UNDER NEW STANDARDS. WHEN STANDARDS BECOME FULLY EFFECTIVE, PROBABLY IN LATE 1976, MOST FOREIGN SUPPLIERS WILL FACE CHOICE OF ABANDONING LUCRATIVE AMERICAN MARKET OR MAKING COSTLY CHANGES IN CONTAINERS AND BOTTLING EQUIPMENT IN ORDER TO TAILOR PART OF PRODUCTIONS TO US REQUIREMENTS. DEPARTMENT BELIEVES APATHY MAY DUE TO LACK OF UNDERSTANDING OF DIFFERENCES IN MEANING OF BOTTLE SIZE CONCEPT AS BETWEEN TRADITIONAL CONTINENTAL EUROPEAN PRACTICE AND US PRACTICE.

3. ALL US WINE BOTTLES LIKE OTHER FOOD AND BEVERAGE CONTAINERS MUST SHOW NET CONTENTS ON THE LABEL AND FOR BOTTLED GOODS THE SIZE OF THE CONTAINER IS SYNONYMOUS WITH CONTENTS. THUS THE PRESENT FOUR-FIFTHS QUART US WINE BOTTLE CONTAINS ALMOST EXACTLY THATAMOUNT OF WINE. VERY NARROW TOLERANCES ARE PERMITTED FOR DIFFERENCES DUE TO SUCH FACTORS AS NORMAL ERRORS WHICH UNDER GOOD COMMERCIAL PRACTICE CAN OCCURIN FILLING, IMPERFECTIONS IN CONTAINER MANUFACTURE, AND EVAPORATION. CONTAINERS ARE PERMITTED TO HAVE HEADSPACE FOR THE CORK AND A SMALL AMOUNT OF AIR; FOR BOTTLES EXCEPT SO-CALLED MINIATURES, HEADSPACE MAY NOT EXCEED 6 PERCENT OF TOTAL CAPACITY. MOST US BOTTLES HAVE THE SIZE DESIGNATION BLOWN IN THE GLASS AND THIS NUMBER CORRESPONDS TO NET CONTENTS NOT TO TOTAL CAPACITY.

4. IN CONTRAST, WINE BOTTLES IN EUROPEAN COUNTRIES COMMONLY DO NOT SHOW NET CONTENTS AND BOTTLE SIZE WHICH IS BLOWN IN THE GLASS REFERS TO TOTAL CAPACITY INCLUDING CONTENTS, CORK AND AIR. THUS THE COMMON .75 LITER BOTTLE DOES NOT AND CANNOT CONTAIN THAT AMOUNT OF WINE; USUALLY THE CONTENTS IS ABOUT .71 LITER. SIMILAR DIFFERENCES APPLY TO THE .70 LITER BOTTLES USEDIN GERMANY, SWITZERLAND, AUSTRIA AND OTHER COUNTRIES. NONE OF THESE BOTTLES WILL QUALIFY UNDER THE NEW US STANDARDS. IT IS EMPHASIZED THAT THE ALLOWANCE FOR HEADSPACEUNDER US REGULATIONS IS NOT REPEAT NOT A TOLERANCE FOR VARIATION IN NET CONTENTF9

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5. IN THIS CONNECTION, WE NOTE THAT PROPOSED LIQUID CONTAINER STANDARDS DRAFTED BY THE EC COMMISSION WOULD ALSO BE KEYED TO NET CONTENTS RATHER THAN MAXIMUM CAPACITY. THIS PROPOSAL HOWEVER HAS NOT BEEN ACCEPTED AND ITS FUTURE APPEARS TO BE SOMEWHAT IN DOUBT.

6. HERETOFORE FOREIGN WINES SHIPPED IN BOTTLES

HAVE BEEN EXEMPTED FROM US FILL STANDARDS. UNDER THE PROPOSED REGULATORY CHANGES THEY WILL BE REQUIRED TO CONFORM. THE KEY CONSIDERATION IS THAT US COMMERCE IN WINE IS GOVERNED BY STANDARDS OF FILL, THAT IS, BY STANDARDS SPECIFYING NET CONTENTS AND NOT BY A LIST OF PERMISSIBLE BOTTLE SIZES. INDEED ATF REGULATIONS DO NOT MENTION BOTTLE SIZES AT ALL.

7. INTERESTED WASHINGTON AGENCIES RECOGNIZE IT IS THE RESPONSIBILITY OF FOREIGN GOVERNMENTS TO PURSUE THEIR COMMERCIAL INTERESTS AND TO BEAR THE CONSEQUENCES OF FAILURE TO DO SO. THIS MESSAGE SHOULD NOT REPEAT NOT BE INTERPRETED AS SUGGESTION THAT POSTS ENCOURAGE OPPOSITION

TO THE PROPOSED REGULATORY CHANGES. ITS PURPOSE IS TO INSURE THAT POTENTIALLY AFFECTED GOVERNMENTS COMPREHEND THE PROPOSED CHANGES AND THEIR IMPLICATIONS FOR TRADE SO THAT ANY INITIATIVES OR RESPONSES ON THEIR PART WILL BE MADE BEFORE EXPIRATION ON AUGUST 12, 1974 OF THE PERIOD DURING WHICH ATF WILL ACCEPT BRIEFS OR OTHER WRITTEN COMMUNICATIONS FOR CONSIDERATION PRIOR TO PROMULGATION OF ITS FINAL DECISION. WE WANT TO AVOID A SITUATION IN WHICH INTERESTED GOVERNMENTS PASS UP THE OPPORTUNITY TO BE HEARD AND THEN, WHEN IT IS TOO LATE, RAISE TROUBLESOME TRADE POLICY DISPUTES. BARRING MAJOR NEW DEVELOPMENTS, ATF INTENDS TO MAKE THE REGULATION, IN SUBSTANTIALLY THE SAME FORM AS WAS TRANSMITTED BY REF AIRGRAM, EFFECTIVE FROM NOVEMBER 1, 1974, ALLOWING A TWO-YEAR TRANSITION PERIOD BEFORE IT BECOMES MANDATORY.

8. ACTION ADDRESSEES ARE INSTRUCTED TO DISCUSS FOREGOING WITH APPROPRIATE AUTHORITIES OF HOST GOVERNMENTS, EMPHASIZING THAT THE SOLE US CONCERN IS TO INSURE THAT UNCLASSIFIED

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THEY FULLY UNDERSTAND THE REGULATORY CHANGES CONTEMPLATED BY US AND ARE AWARE OF THE AUGUST 12 DEADLINE FOR COMMENTS, AFTER WHICH DATE NO ASSURANCE CAN BE GIVEN THAT COMMENTS OR OBJECTIONS WILL BE CONSIDERED. COMMENTS, IF ANY, MAY BE SUBMITTED TO THE POST FOR TRANSMISSION TO ATF OR, PREFERABLY, SHOULD BE SUBMITTED THROUGH WASHINGTON EMBASSIES TO THE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, WASHINGTON, D.C. 20226. KISSINGER

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